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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(El Dorado)

THE PEOPLE,

Plaintiff and Respondent,

v.

IGNACIO ARIZAGA,

Defendant and Appellant.

C086919

(Super. Ct. No. S16CRF0153)

A jury found defendant Ignacio Arizaga guilty of numerous felonies. The trial court subsequently found true numerous sentencing enhancement allegations, including allegations that defendant previously served five terms in prison (Pen. Code, § 667.5, subd (b)). The trial court sentenced defendant to an aggregate term of 32 years four months, plus 14 years to life in state prison.

On appeal, defendant contends there was insufficient evidence to find true the allegation that he served a prior prison term for his conviction in Sacramento County Superior Court, case No. 00F03370 (case No. 370). The People concede the issue.

In case No. 370, defendant was convicted on two counts of felony assault. The court suspended imposition of judgment and sentence, placed defendant on five years' probation, and ordered him to serve 728 days "in the Sacramento County Jail." There is nothing in the record to indicate he ever violated his probation and was sentenced to prison. Having reviewed the record and applicable law, we accept the People's concession and will strike the enhancement.

We do note a clerical error in the abstract of judgment that requires correction. The abstract of judgment omits the 20-year sentencing enhancement orally imposed by the court under Penal Code section 12022.53, subdivision (c). We will direct the trial court to correct the abstract of judgment accordingly. (*People v. Mitchell* (2001) 26 Cal.4th 181, 185.)

DISPOSITION

The one-year sentencing enhancement imposed as a result of defendant's conviction in case No. 370 is stricken. The judgment is affirmed as modified. The trial court is directed to prepare a corrected abstract of judgment consistent with this opinion and forward a certified copy to the Department of Corrections and Rehabilitation.

/S/

RENNER, J.

We concur:

/S/

RAYE, P. J.

/S/

BLEASE, J.